

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

STEVEN EDWIN NORRIS,)	CASE NO. 1:10 CV 2513
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
CUYAHOGA COUNTY SHERIFF'S DEPT.,)	<u>AND ORDER</u>
et al.,)	
)	
Defendants.)	

On November 3, 2010, plaintiff *pro se* Steven Edwin Norris filed this action under 42 U.S.C. § 1983 against the Cuyahoga County Sheriff's Department and the Cuyahoga County Jail. The complaint alleges plaintiff was subjected to the excessive use of force at the hands of corrections officers while he was a pretrial detainee at the Cuyahoga County Jail.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C.

§1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

Respondeat superior is simply not a proper basis for liability under § 1983. Leary v. Daeschner, 349 F.3d 888, 903 (6th Cir.2003); Bellamy v. Bradley, 729 F.2d 416, 421 (6th Cir.), cert. denied, 469 U.S. 845, 105 S.Ct. 156, 83 L.Ed.2d 93 (1984). Governmental entities may be deemed liable for the unconstitutional actions of their agents only when those actions are the result of official policies or customs. Monell v. Dept. of Social Services, 436 U.S. 658 (1978). Even liberally construed, the complaint does not contain allegations reasonably suggesting defendants had a policy or custom which resulted in violation of plaintiff's rights.

Accordingly, this action is dismissed under section 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a) (3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 1/13/11